

NINTH DAY
(Monday, February 4, 1991)

The Senate met at 2:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Turner, Whitmire, Zaffirini.

Absent-excused: Truan.

A quorum was announced present.

Rabbi Marc Sack, Congregation Agudas Achim, Austin, offered the invocation as follows:

Today we are beginning this meeting of the Texas Senate with a prayer. This prayer should be just the beginning of our deliberation. We should pray for wisdom and insight, and then work to apply that wisdom and insight to the tasks before us. We should pray for courage to go beyond personal interest, and then work to build that courage so we can act for the sake of the greater good.

At this time we should pray for peace and protection for the thousands of Texas men and women who are laying their lives on the line to fight tyranny and aggression. But our prayer is just a beginning. We must remember that all Americans are responsible for the health and welfare of this country, that we cannot delegate a few to guarantee our strength and our safety. These are the tasks of all of us.

Our prayer is just the beginning. As we look to You, Lord, for wisdom, insight and courage, we also look within ourselves for the strength and determination to apply these gifts to our deliberations today.

We ask for Your blessings, Lord, for the men and women who are fighting for the peace of our country and all humanity, for the people of this State of Texas, and for us, the men and women who have been chosen to lead this State with wisdom, insight and courage. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 31, 1991, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Truan was granted leave of absence for today on account of important business on motion of Senator Brooks.

CO-AUTHORS OF SENATE BILL 14

On motion of Senator Parker and by unanimous consent, Senators Brooks, Ellis, Barrientos and Lucio will be shown as Co-authors of S.B. 14.

CO-AUTHORS OF SENATE BILL 63

On motion of Senator Ellis and by unanimous consent, Senators Montford and Rosson will be shown as Co-authors of S.B. 63.

CO-AUTHOR OF SENATE BILL 103

On motion of Senator Barrientos and by unanimous consent, Senator Ellis will be shown as Co-author of **S.B. 103**.

CO-AUTHORS OF SENATE BILL 104

On motion of Senator Barrientos and by unanimous consent, Senators Ellis and Rosson will be shown as Co-authors of **S.B. 104**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 5

On motion of Senator Barrientos and by unanimous consent, Senators Ellis and Rosson will be shown as Co-authors of **S.J.R. 5**.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.C.R. 26 by Johnson Criminal Justice
Directing the Board of Pardons and Paroles to investigate the cases of all persons convicted of murder or first degree felonies when directly related to victimization by domestic violence.

S.B. 266 by Zaffirini Finance
Relating to an appropriation to Laredo State University.

S.B. 267 by Green State Affairs
Subcommittee on Elections and Ethics
Relating to the manual recounting of certain electronic voting system ballots by the general custodian of election records.

S.B. 268 by Green, Harris of Tarrant, Tejeda, Leedom State Affairs
Relating to the consent to abortion for certain minors; creating an offense and providing penalties.

S.B. 269 by Barrientos Education
Relating to the authority of institutions of higher education to allow faculty and staff access to student health center services and to charge a fee for those services.

S.B. 270 by Green State Affairs
Subcommittee on Elections and Ethics
Relating to a surplus in an election services contract fund of a county.

S.B. 271 by Brown Health and Human Services
Relating to powers of the Angleton-Danbury Hospital District.

S.B. 273 by Armbrister State Affairs
Relating to the privileges of a holder of a state parklands passport.

S.B. 274 by Whitmire Health and Human Services
Relating to the regulation of the practice of dentistry.

S.B. 275 by Johnson, Rosson, Zaffirini Criminal Justice
Relating to the admissibility of evidence regarding family violence and prior acts of violence committed by the victim against the defendant.

S.B. 276 by Johnson Intergovernmental Relations
Relating to notice of violations of certain municipal sanitation regulations.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
January 31, 1991

**TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE,
REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE STATE CONSERVATORSHIP BOARD for a term to expire January 31, 1993:

GEORGINA S. GONZALEZ
311 Big Hollow Lane
Houston, Texas 77042

Ms. Gonzalez will be replacing Frank Junell of San Angelo, whose term expired.

TO BE A MEMBER OF THE STATE CONSERVATORSHIP BOARD for a term to expire January 31, 1995:

WILLIAM WAYNE KILGARLIN
1415 Wooldridge
Austin, Texas 78703

Judge Kilgarlin will be replacing William M. Noble of Victoria, whose term expired.

**TO BE PRESIDING JUDGE OF THE SIXTH ADMINISTRATIVE JUDICIAL
REGION** for a term of four years upon qualifying for such office:

WILLIAM E. MOODY
285 Puesta Del Sol
El Paso, Texas 79912

Judge Moody will be replacing Judge Sam M. Paxson of El Paso, whose term expired.

TO BE INTERIM COMMISSIONER OF EDUCATION for a term to expire March 1, 1991:

TOM E. ANDERSON, JR.
Deputy Commissioner for Operations
and Services
Texas Education Agency
1701 N. Congress
Austin, Texas 78731

Dr. Anderson is being appointed pursuant to Section 2.26 of S.B. 1, Acts of 71st Legislature, 6th Called Session.

TO BE A MEMBER OF THE TEXAS EMPLOYMENT COMMISSION for a term to expire February 1, 1997:

MARY SCOTT NABERS
507 Konstanty Circle
Austin, Texas 78746

Ms. Nabers is being reappointed.

**TO BE JUDGE OF THE 333RD JUDICIAL DISTRICT COURT, HARRIS
COUNTY**, effective December 3, 1990 and to expire December 31, 1992:

RICHARD P. BIANCHI
2406 Middle Creek
Kingwood, Texas 77339

Judge Bianchi replaced Judge David Wilson of Houston, who was elected to the First Court of Appeals.

TO BE JUDGE OF THE 240TH JUDICIAL DISTRICT COURT, FORT BEND COUNTY, effective December 4, 1990 and to expire December 31, 1990:

THOMAS R. CULVER III
1005 Country Club Drive
Richmond, Texas 77469

Judge Culver replaced Judge C. A. Dickerson of Richmond, who resigned.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolution:

S.C.R. 5

NOMINEES CONFIRMED

Senator Barrientos moved to confirm the nominees severed on Wednesday, January 30, 1991.

The following nominees were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Truan.

Members, Board of Regents, Texas A&M University System: MS. MARY NAN WEST, Zavala County; MRS. ALISON W. LELAND, Harris County; ROYCE E. WISENBAKER, Smith County.

Members, Board of Regents, University of Texas System: REVEREND ZAN WESLEY HOLMES, JR., Dallas County; BERNARD RAPOPORT, McLennan County; MS. ELLEN CLARKE TEMPLE, Angelina County.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Barrientos and by unanimous consent, Senate Rule 11.11 was suspended in order that tomorrow the Committee on Nominations might consider:

Judge William E. Moody to be PRESIDING JUDGE OF THE SIXTH ADMINISTRATIVE JUDICIAL REGION.

CAPITOL PHYSICIAN

Senator Brooks, on behalf of Senator Truan, was recognized and presented Dr. J. M. McCullaugh and his wife, Andrea, of Corpus Christi.

Dr. McCullaugh, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

SENATE CONCURRENT RESOLUTION 19

Senator Leedom offered the following resolution:

S.C.R. 19, Requesting the State Board of Insurance to develop a standardized Texas Medicare supplemental insurance policy.

The resolution was read.

On motion of Senator Leedom and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 103 ON SECOND READING**

Senator Barrientos moved that the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 103 be taken up for consideration at this time:

C.S.S.B. 103, Relating to the state allocation and reservation system for private activity bonds.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Truan.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 103 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 103 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 5 ON SECOND READING**

Senator Barrientos moved that the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.J.R. 5 be taken up for consideration at this time:

C.S.S.J.R. 5, Proposing a constitutional amendment providing for the issuance of general obligation bonds by the Texas Higher Education Coordinating Board.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Truan.

The resolution was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 5 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.J.R. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Truan.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 104 ON SECOND READING**

Senator Barrientos moved that the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 104 be taken up for consideration at this time:

C.S.S.B. 104, Relating to the student loan program administered by the Texas Higher Education Coordinating Board; authorizing the issuance of bonds.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Truan.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Amend **C.S.S.B. 104** in Section 1 of the bill by adding Subsection (d) to Section 52.82, Education Code (Committee Printing page 1, between lines 48 and 49), to read as follows:

(d) The total amount of bonds issued by the board in a state fiscal year may not exceed \$100 million.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 104 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 104 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

MESSAGE FROM THE HOUSE

House Chamber
February 4, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 38, Proclaiming the week of February 3-9, 1991, as Burn Awareness Week.

S.C.R. 21, Recognizing February 5, 1991, as Pasadena Day at the Capitol.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 135

Senator Parker offered the following resolution:

S.R. 135, Recognizing February 4, 1991 as "Port Arthur Day."

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Upon recognition, Senator Parker introduced a large delegation of citizens from Port Arthur seated in the gallery and extended an invitation to the Senate to join these citizens in their celebration.

The Senate welcomed these guests and expressed thanks for the invitation.

GUESTS PRESENTED

Senator Montford was recognized and introduced a delegation from the Texas Employees Association seated in the gallery.

The Senate extended a welcome to the delegation.

GUESTS PRESENTED

Senator Lucio was recognized and introduced a group of elected officials seated in the gallery.

The Senate welcomed these guests.

GUESTS PRESENTED

Senator Brooks was recognized and introduced all the elected officials, who are here attending meetings for the Texas Municipal League.

The Senate extended a warm welcome to all the visiting guests.

MEMORIAL RESOLUTIONS

H.C.R. 11 - (Ratliff): In memory of Elmer Ferguson of Gregg County.

S.R. 136 - By Ratliff: In memory of William L. Cobb of Dallas.

S.R. 138 - By Barrientos: In memory of Daniel Ray Williams of Austin.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 25 - By Ratliff: Commending The Honorable Henry Braswell of Paris for his contributions to the citizens of Texas.

S.C.R. 27 - By Ratliff: Proclaiming March 5 and 6, 1991, to be Marshall Days in Texas.

S.R. 132 - By Johnson: Welcoming Willie L. Brown, Jr., and James L. Walton, two outstanding native-born sons, as they return on February 6, 1991, to visit their family in Dallas.

S.R. 134 - By Bivins: Extending congratulations to Kevin Oakley of Amarillo for his significant and noble accomplishments in the United States Naval Service.

S.R. 137 - By Sims: Paying tribute to the Texas Agricultural Lifetime Leadership (TALL) program for its imaginative and progressive goals.

S.R. 139 - By Zaffirini, Brooks: Welcoming the Texas Public Health Association to the State Capitol on February 5 and 6, 1991.

S.R. 140 - By Zaffirini, Tejeda, Bivins, Krier: Recognizing the children from Christ the King Catholic School in west San Antonio for their participation in Texas Public Health Day, February 5, 1991.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 2:43 p.m. adjourned until 1:30 p.m. tomorrow.

APPENDIX

Sent to Governor
(February 4, 1991)

S.C.R. 5

TENTH DAY

(Tuesday, February 5, 1991)

The Senate met at 1:30 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Dickson.

A quorum was announced present.

The Reverend Dr. Marvin C. Griffin, Ebenezer Baptist Church, Austin, offered the invocation as follows:

Lord, we are grateful recipients of Your grace which is new every morning. Empower us to accept the challenges of this day. Grant unto us the leadership of Your spirit in our decisions and actions. Give us clear vision of the truth and the will to do what is fair and just.

Bless us, dear Father, in our efforts to make Texas strong and healthy.

We ask this in the name of peace, justice, and love. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Dickson was granted leave of absence for today on account of important business on motion of Senator Brooks.